
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

ELIASON,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS, et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING [16, 22] MOTIONS
TO STAY, DENYING [25] MOTION TO
DENY STAY, AND RESTRICTING
FILINGS

Case No. 2:23-cv-00785-TS-CMR

District Judge Ted Stewart

Magistrate Judge Cecilia M. Romero

This matter is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) (ECF 12). Before the court are the following Motions to Stay (ECF 16, 22): (1) Motion to Stay (ECF 16) pending resolution of Defendants Robert Faust and Adam Mow's (State Judicial Defendants) Motion to Dismiss (ECF 4); and (2) Motion to Stay (ECF 25) pending resolution of Parsons Behle and Latimer's (PBL) Motion to Dismiss (ECF 3). Also before the court is a Motion to Deny Stay (ECF 25) filed by Plaintiff Brett Eliason (Plaintiff or Mr. Eliason). Having carefully considered the relevant filings, the court finds that oral argument is not necessary and will decide this matter on the basis of written memoranda. *See* DUCivR 7-1(g). For the reasons set forth below, the court GRANTS the Motions to Stay (ECF 16, 22) and DENIES Plaintiff's Motion (ECF 25).

I. BACKGROUND

Plaintiff filed his Complaint (ECF 1) in this matter on October 30, 2023. On November 28, 2023, PBL filed its Motion to Dismiss (ECF 3), and State Judicial Defendants filed their Motion to Dismiss (ECF 4). Plaintiff then began filing a series of motions seeking various types of relief (ECF 8, 9, 11, 13). In response, State Judicial Defendants filed their Motion to Stay (ECF 16)

requesting the court stay this matter pending resolution of their Motion to Dismiss (ECF 4). The court ordered expedited briefing on State Judicial Defendants' Motion to Stay (ECF 19), and Plaintiff filed a timely Response (ECF 20) in addition to other motions (ECF 17, 21, 23). PBL also filed a similar Motion to Stay (ECF 22) seeking a stay pending resolution of its Motion to Dismiss (ECF 3). The court again ordered expedited briefing (ECF 24) on PBL's Motion to Stay (ECF 22), in response to which Plaintiff filed his Motion to Deny Stay (ECF 25) rather than a response. Plaintiff then filed additional motions (ECF 26, 27, 34, 36, and 37).

II. DISCUSSION

“The granting of a stay lies within the discretion of the court.” *Gollaher v. Morgan Cnty.*, No. 2:16-CV-01258-DN-CMR, 2020 WL 13824576, at *2 (D. Utah Dec. 23, 2020) (citing *Pet Milk v. Ritter*, 323 F.2d 586, 588 (10th Cir. 1963)). “When deciding whether to exercise its inherent power to stay, the court considers: ‘(1) whether the stay would promote judicial economy; (2) whether the stay would avoid possible inconsistent results; and (3) whether the stay would not cause undue hardship or prejudice against the plaintiff.’” *Dutcher v. Bold Films LP*, No. 2:15-CV-00110-DB-PMW, 2018 WL 5849471, at *1 (D. Utah Nov. 8, 2018) (quoting *United States ex rel. Cache Valley Elec. Co. v. Travelers Cas. & Sur. Co. of Am.*, No. 2:13-cv-01120-DN, 2015 WL 164064, at *3 (D. Utah Jan. 13, 2015)).

Here, State Judicial Defendants argue a stay is appropriate in this case because their Motion to Dismiss (ECF 4) is dispositive and Plaintiff is not prejudiced because he could litigate his motions in the future if his claims survive (ECF 16 at 2). PBL incorporated State Judicial Defendants' arguments and further argued that a stay would avoid unnecessarily filing responses to Plaintiff's motions that may become moot after the court rules on dismissal (ECF 22 at 3). Neither Plaintiff's Response (ECF 20) nor his Motion to Deny Stay (ECF 25) substantively address

the arguments set forth in the Motions to Stay. Rather, these filings appear to merely restate allegations set forth in the Complaint and make unfounded assertions that Defendants are engaging in fraud, criminal activity, or otherwise improperly attempting to delay the litigation (ECF 20 at 2; ECF 25 at 2–4). Having considered the parties’ arguments, the court finds that the relevant factors weigh in favor of staying this matter. In the interests of judicial economy, the court concludes a stay in this matter is warranted and that a stay will not cause undue hardship or prejudice to Plaintiff as the court can address the merits of his motions after resolution of the Motions to Dismiss.

III. CONCLUSION AND ORDER

For the foregoing reasons, the court hereby GRANTS State Judicial Defendants’ Motion to Stay (ECF 16) and PBL’s Motion to Stay (ECF 22) and DENIES Plaintiff’s Motion to Deny Stay (ECF 25). The court ORDERS that this matter is STAYED pending resolution of State Judicial Defendants’ Motion to Dismiss (ECF 4) and PBL’s Motion to Dismiss (ECF 3).

IV. ORDER RESTRICTING FILINGS

In addition to the above-referenced Motions to Dismiss (ECF 3, 4), there are twelve motions currently pending that were filed by Plaintiff (ECF 8, 9, 11, 13, 17, 21, 23, 26, 27, 34, 36, 37). In order to allow the court to resolve the pending motions, the court hereby notifies Plaintiff that **the court will not accept any new motions or filings as of the date of this order. Any document that is filed will be lodged and will not be considered.** Once the existing motions have been decided, the court will, if needed, lift the ban on filings.

DATED this 23 January 2024.



Magistrate Judge Cecilia M. Romero
United States District Court for the District of Utah